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Summary record of the 1578th meeting
Held at the Palais des Nations, Geneva, on Friday, 23 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Fiji (CEDAW/C/FJI/5; CEDAW/C/FJI/Q/5 and CEDAW/C/FJI/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Fiji took places at the Committee table.*

2. **Ms. Vuniwaqa** (Fiji), introducing her country's fifth periodic report, said that Fiji had undertaken extensive legal reforms in recent years and the Government had consulted widely on the new Constitution, which had entered into force in 2013. During the country's 2014 general elections, voter turnout had been high, at 84 per cent, demonstrating the electorate's enthusiasm and the effectiveness of civic education programmes. A new electoral system of proportional representation had been introduced, replacing a system that had traditionally favoured men and certain communities, and was proving conducive to women's increased representation in parliament. Indeed, more women than ever had stood as candidates in 2014 and, as a result, the proportion of women parliamentarians was now the highest in the country's history, at 14 per cent. More, however, remained to be done, including by working with civil society to challenge the socioeconomic barriers to women's involvement in the electoral process and carrying out training and awareness-raising to encourage the participation of women, new voters and persons with disabilities in the forthcoming 2018 general elections.

3. In preparation for the dialogue with the Committee, government agencies had worked closely with the private sector, civil society and religious organizations, not only gaining the strong sense of data so vital for national efforts to promote gender equality and women's empowerment, but also laying stronger foundations for tackling the barriers to women's advancement, which included the fact that Fiji had one of the highest rates of domestic violence in the world. The Prime Minister had labelled domestic violence statistics as a national shame and had called on all stakeholders to unite in the battle to stamp out such violence. Various measures had already been taken, including the launch of the "Man Up" campaign, aimed at involving men in the national movement to combat violence; a national forum to promote cooperation with religious organizations; and a task force on eliminating violence against women, which had devised a service delivery protocol to ensure the seamless handling of cases of gender-based violence by all relevant stakeholders. Strong partnerships with cultural and religious leaders were now needed to bring about changes in people's mentalities, break down gender stereotypes and challenge the concept of hypermasculinity.

4. The Government of Fiji had recently launched its 5- and 20-year national development plans, which, for the first time, prioritized gender equality through policies to, inter alia, increase women's participation in formal sector employment and at all levels of government and civil society; eliminate violence against women and children through responsive policing and coordinated referral networks; and improve women's access to social services. Related initiatives included a mock women's parliament, aimed at encouraging *potential women leaders to enter the political arena, and programmes* that engaged men as advocates in efforts to eliminate discrimination against women. The national machinery for the advancement of women had also conducted training to raise awareness of gender issues among the civil service and the armed forces.

5. In 2017, Fiji had become a party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. In education, various measures had been taken as part of the Government's commitment to building a smarter nation. For example, initiatives had been introduced to encourage pregnant schoolgirls to return to and complete their education; identify and re-enrol school dropouts; provide free transport and textbooks to all students; and make early

childhood education a compulsory part of primary education. Schoolbooks were also being reviewed and revised to remove gender stereotypes.

7. In the area of employment, figures from the 2017 national census had revealed that women accounted for just 37 per cent of the labour force, while the proportion of women registered as unemployed was more than double that of men. In that light, a review of national employment policy was being taken with a view to addressing gender disparities.

8. Regarding climate change, the Fijian Government had successfully steered the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in November 2017. The country's efforts on the international stage were complemented by national initiatives to make Fiji a climate-resilient nation. For example, the Fiji Barefoot College was being established as a regional training facility for women, with the aim of complementing poverty alleviation strategies and empowering rural women as agents of change in building a more climate-resilient Fiji. In view of the increasing intensity of cyclones and their subsequent impact on women and children, gender-responsive relocation plans had been drawn up to take account of women's needs.

9. In other areas of life, women were now recognized as heads of households, giving them access to social protection benefits granted previously only to men, and were able to take advantage of a number of initiatives for business start-ups and aspiring entrepreneurs. Rural infrastructure spending was at unprecedented levels and a number of projects had been initiated to improve women's access to health in remote areas. For example, the Ministry for Women, Children and Poverty Alleviation had launched the Rights, Empowerment and Cohesion (REACH) programme, in partnership with the United Nations Development Programme, to take basic services such as social protection, legal aid and birth registration to rural areas. The country's first specialized birthing unit had also been opened, with experienced midwives providing comprehensive maternal health services to a population of more than 70,000 people. Additionally, retired midwives had been mobilized to provide maternal and child health services to disaster-affected countries in the region. While it was clear that great strides were being made in various fields, the Government recognized that enhancing the status of women was a continuous process. It reaffirmed its commitment to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women and would continue to work with all stakeholders to address any barriers to realizing true gender equality in Fiji.

10. **Ms. Haidar**, welcoming the high-level delegation of Fiji, said that the Committee greatly appreciated the role played by Fiji on the international stage, in particular as president of the twenty-third session of the Conference of the Parties. There were, however, gaps when it came to implementing their international commitments at the national level and she looked forward to a constructive dialogue in which those aspects would be discussed.

Articles 1 to 6

11. **Ms. Schulz** said that she wished to know why the State party had yet to fulfil the commitments it had made during the universal periodic review process in 2010 and 2014, which had included recommendations to ratify, among other international human rights instruments, the Optional Protocol to the Convention. While welcoming the fact that section 26 (3) of the Constitution prohibited discrimination on a number of grounds, she found the lack of a definition of discrimination in line with article 1 of the Convention and the absence of comprehensive gender equality legislation regrettable. She urged the Government to work with women's and other civil society organizations to ensure that those deficiencies were swiftly addressed.

12. She was concerned that, under the 2013 Constitution, certain restrictions could be placed on women's enjoyment of their rights and freedoms, some of which were open to overly broad interpretation, and that impunity was granted to public officials who had committed offences, including human rights violations, during the interim military regime of 2006. Moreover, the combined operation of the Constitution, the Public Order Act of 2012 and the Media Industry Development Act of 2010 seemed to effectively limit freedom

of expression, assembly and association, adversely affecting the work of women's organizations in the area of gender equality. She wondered whether the Government had plans to review those constitutional and legislative restrictions to ensure their compatibility with international standards, provide for narrower interpretations, promote healthy public debate and ensure that all perpetrators of human rights violations were brought to justice.

13. According to alternative reports, including from the Human Rights and Anti-Discrimination Commission, lesbian, bisexual and transgender women were not always protected by section 26 (3) of the Constitution. She would like to know how the State party intended to address that situation, and, in particular, whether it would review the Births, Deaths and Marriages Act to enable transgender persons to have their change of gender recognized on their birth certificate. Regarding the Human Rights and Anti-Discrimination Commission, she asked what steps were being taken to ensure its independence, in particular by amending the rules for nominating and removing its members; strengthen its mandate to include gender equality and women's rights; ensure that it had adequate funding, especially for its gender-equality activities; and amend the decree establishing the Commission so as to enable it to receive complaints and challenge the legality of presidential decrees.

14. **Ms. Chand** (Fiji), referring to the commitments made by Fiji during the universal periodic review, said that the Fijian Constitution of 2013 contained a bill of rights that recognized not only political and civil rights but also economic and social rights. The Government had so far acceded to five of the nine core international human rights conventions, and there were plans for the remaining four to be ratified by 2020.

15. Under the Public Order Act, public meetings and demonstrations could be freely held, subject to the necessary permits. Indeed, since 2014, a number of public demonstrations had taken place, some led by women's organizations. Moreover, columns openly critical of the Government had been published in the press, demonstrating that healthy public debate and freedom of expression were alive and well. While the Government recognized that a free and accountable media was essential in a democracy, certain justifiable limitations were exercised to prevent, among other things, incitement to hatred and racist hate speech. Journalists who published material impugning institutions or individuals should be held to account; however, law officials should also ensure that their own actions were in line with the principles of democracy, human rights and proportionality. Moreover, under the Constitution, speech tantamount to war propaganda, insurrection and hate speech was prohibited, limitations that were in step with general recommendation No. 35, of the Committee on the Elimination of Racial Discrimination, on combating racist hate speech and other human rights instruments. The goal was to regulate the media by promoting ethics and accuracy in journalism while balancing the individual right to dignity.

16. Immunity-related constitutional provisions were not a new phenomenon: they had also been written into previous iterations of the Constitution. Moreover, under section 157 of the Constitution, holders of public office were not immune from prosecution for offences such as abuse of office, forgery or corruption. However, in the light of the country's history, immunity provisions were necessary to enable the country to make progress towards a peaceful democracy. That said, some members of the security sector had been prosecuted for acts of rape carried out during the period prior to the country's return to democracy.

17. The Human Rights and Anti-Discrimination Commission was an independent body that reported directly to the Parliament and controlled its own budget. It had responsibility for promoting and protecting human rights in the public and private spheres and had the power to receive and investigate complaints, including by seeking redress from the courts, and to make recommendations on existing and proposed laws. In line with the Constitution, its members were appointed by the President on the advice of the Constitutional Offices Commission.

18. Although the Constitution did not expressly contain a definition of discrimination in line with the Convention, it did recognize and prohibit intersecting forms of discrimination. In particular, section 26 (3) provided that persons must not be unfairly discriminated against, directly or indirectly, on the grounds of, inter alia, gender, sexual orientation or

gender identity and expression. As such, the current approach taken by the Constitution and related laws were deemed to be sufficient.

19. **Ms. Vuniwaqa** (Fiji) said that section 26 (3) of the 2013 Constitution was based on a section of the 1997 Constitution under which discriminatory legislative provisions had successfully been struck down. She was therefore confident that discriminatory provisions could be struck down under the 2013 Constitution, including any provisions of the Births, Deaths and Marriages Registration Act found by the independent judiciary to be discriminatory towards persons who had undergone a sex change.

20. **Ms. Schulz** said that it was unclear whether a calendar had been drawn up for adoption of the Optional Protocol to the Convention by 2020 and asked when it would, in fact, be adopted. She wished to note that immunity provisions often had a deleterious effect on society; that legislation should be drafted so as to exclude the possibility of overly broad interpretations on the part of the authorities; and that comprehensive equality legislation was critical to the promotion of gender equality. She would be grateful if the delegation could comment on the independence of the Human Rights and Anti-Discrimination Commission, in particular the potential conflict of interest created by the fact that its director also served as the chair of the Media Industry Development Authority.

21. Although the Committee recognized that discriminatory provisions could be reviewed in application of section 26 (3) of the Constitution, the incorporation of the definition of discrimination set out in article 1 of the Convention into national law and the adoption of comprehensive gender equality legislation would provide more effective instruments with which to guarantee gender equality. She wondered whether a bill could not be tabled to provide for a review of the Births, Deaths and Marriages Registration Act.

22. With regard to access to justice, it would be helpful to learn what steps would be taken to ensure the transparency of reports prepared by the Legal Aid Commission and other actors in the justice system; what measures were planned to ensure better access to justice for women, in particular those living in poverty; and what would be done to improve gender awareness in the judiciary. In that connection, she wished to draw attention to the Committee's general recommendation No. 33 on women's access to justice.

23. **Ms. Manalo** said that, as the State party's anti-discrimination laws were general in nature, it remained necessary for a law to be adopted to address discrimination against women, girls and lesbian, gay, bisexual and transgender persons specifically. In that connection, she noted that, under the Vienna Convention on the Law of Treaties, a party could not invoke the provisions of its internal law as justification for its failure to perform a treaty.

24. **Ms. Vuniwaqa** (Fiji) said that no time frame had yet been set for the ratification of the Optional Protocol. The United Nations High Commissioner for Human Rights had recently recognized the Government's commitment to ratifying the nine major United Nations human rights treaties within the time frame set by the country's senior legal adviser. The mechanism currently in place at the national level was sufficiently robust to deal with cases of discrimination against women until the Optional Protocol was ratified.

25. The provisions governing corroboration in rape cases had recently been struck down as discriminatory. In addition, the courts had recently annulled two forced marriages. Those achievements notwithstanding, her delegation would relay the Committee's concerns regarding the inconsistency of the existing legislative framework with the Convention and the fact that the director of the Human Rights and Anti-Discrimination Commission was the chair of the Media Industry Development Authority. The United Nations High Commissioner for Human Rights had already highlighted structural flaws in the Human Rights and Anti-Discrimination Commission.

26. **Ms. Haidar** said that she wished to know the current proportion of the national budget allocated to the Ministry for Women, Children and Poverty Alleviation; how the Ministry related to other Government ministries; and to what extent it was able to monitor and enforce the implementation of gender policy initiatives. It seemed that civil society organizations were required to register and to obtain permits prior to working with the

Government. In that connection, she wondered what measures had been taken to ensure that no NGOs were excluded Government-NGO cooperation initiatives.

27. **Ms. Narain** said that the Committee would urge the State party to reconsider its position regarding temporary special measures, as such measures made it possible to accelerate de facto inequality between men and women and served to redress the balance in favour of women, pending removal of the various barriers that they faced and achievement of the objectives of equality of opportunity and treatment. She wished to know whether women had ever been duly identified as a disadvantaged group requiring affirmative action and, if they had, would appreciate examples of programmes in place to redress the balance in their favour. In her view, *R v. Oakes*, a case of the Supreme Court of Canada that had been cited in the State party report, was an inappropriate basis on which to establish the constitutionality of affirmative action. She wished to know whether consideration would be given to the possibility of expressly providing for affirmative action in national law and whether any form of affirmative action was planned with a view to increasing the participation of women in the forthcoming general elections.

28. **Ms. Vuniwaqa** (Fiji) said that, although the budget allocated to the Ministry for Women, Children and Poverty Alleviation made up a relatively small proportion of the national budget, the total value of the resources set aside to fund projects that empowered women and advanced their rights was much greater. Even improvements to the country's basic infrastructure, such as the construction of roads to rural villages, had an enormous impact on women's lives. Over the period 2014–2017, the Legal Aid Commission had represented more women than men. Under the REACH programme, which was coordinated by the United Nations Development Programme and funded by the Government of Japan, the Ministry provided legal services in areas in which the Legal Aid Commission had no representation.

29. The Government recognized the importance of strengthening cooperation with NGOs, as they played a critical role in empowering women. It was not the case that NGOs had to obtain a permit in order to work with the Government. The Government was currently working with the Fiji Women's Crisis Centre and was embarking on a partnership with Soroptimist International, but neither organization had been required to register beforehand. Generally, the Government took the first step in approaching NGOs with which it sought to cooperate.

30. The Government and civil society had been working to increase the political representation of women. Temporary special measures were a last resort, and the country would first attempt to remove the barriers that prevented women from participating in the political process. One of the Government's principal objectives was to encourage political parties to include more women on their candidate lists. It was likely that, under the new electoral system, a greater number of female candidates would result in a greater number of elected female representatives.

31. **Ms. Haidar** said that the position of the Ministry for Women in the broader machinery of Government remained unclear. Although she recognized that the State party had introduced a form of gender mainstreaming, she wondered how the process could be monitored in order to ensure that resources earmarked for women reached their intended beneficiaries. It seemed that a gender perspective had not been mainstreamed in the assessment made following Tropical Cyclone Winston.

32. **Ms. Vuniwaqa** (Fiji) said that Government ministries had gender focal points, who reported to the Ministry for Women, Children and Poverty Alleviation on the implementation of gender mainstreaming. The process of preparing the report under consideration had drawn attention to deficiencies in the data-collection practices of certain ministries, but the correction of those deficiencies, in particular the decision to begin collecting gender-disaggregated data, would improve the implementation of gender mainstreaming.

33. **Mr. Koroivueta** (Fiji) said that, following Tropical Cyclone Winston, the evacuation centres had alerted the authorities to the risk of violence against women and girls. The Ministry for Women chaired the Safety and Protection Cluster, which oversaw the safety and protection of women, children, persons with disabilities and older persons.

One of the outcomes of its work had been a code of conduct for humanitarian workers. The Cluster had prepared a service delivery protocol aimed at ensuring that the response to natural disasters was gender-sensitive and that women were adequately represented at both the planning and response phases.

34. **Ms. Manalo** said that she wished to know how the Government encouraged NGOs that were not members of the Fiji Women's Federation to assist in the implementation of the Convention and whether the Government was prepared to fund NGOs, in particular those that did not belong to a federation, with a view to facilitating their participation in that process. She would appreciate clarification regarding the Government's current system for initiating cooperation with NGOs.

35. **Ms. Vuniwaqa** (Fiji) said that NGOs played a critical role in the implementation of the Fiji national gender policy. It had been suggested that the Ministry for Women, Children and Poverty Alleviation could host an event for all NGOs at which a plan for future collaboration could be drawn up and the Committee's concluding observations on the report under consideration could be discussed. In 2017, a similar meeting had been held for religious organizations.

36. In the past, women's NGOs had been selected to receive Government funding on an ad hoc basis. In one case, an NGO had been funded to equip single mothers with the skills needed to earn a livelihood. In another, the Government had provided the equipment for a provincial training centre operated by various NGOs and set up with funding from the Government of Japan. The Ministry would request the Government to include provision for additional funding for women's NGOs in the forthcoming budget, as had been done in the past for NGOs working to protect the rights of children, older persons and persons with disabilities.

37. **Ms. Rana** asked what specific steps had been taken, or were planned, to combat deeply rooted patriarchal cultural and religious norms, which gave rise to gender stereotypes and led ultimately to discrimination against women, including, in particular, what measures had been adopted to ensure that traditional apologies such as *bulubulu* (reconciliation and forgiveness ceremony) were never accepted as mitigating circumstances in domestic violence cases. She also wished to know whether an impact analysis had been conducted of the Government's various training and awareness-raising programmes to combat gender-based discrimination and violence; what further measures were planned; and whether sex-disaggregated data were available. Specific details on campaigns to promote the engagement of men in advocacy efforts would be welcome.

38. Noting that lesbian, bisexual and transgender women still faced exclusion, prejudice, stigma and violence, she asked what measures had been taken to foster social and political change. In that context, was the Government planning to introduce legislation to allow transgender women to obtain official documents that reflected their new gender identity?

39. Violence against women was a serious concern, particularly given the high rates of domestic violence and child sexual abuse in the country. The long-term impact of exposure to such violence was often underestimated and women frequently did not receive the care they needed and failed to report violent incidents to the authorities. Their lack of trust in the justice system appeared to be well-founded, given reports of the revictimization of women within the judicial system or at the hands of the police. Measures taken by the State party to tackle violence against women had remained inadequate, in spite of recommendations made in the Committee's previous concluding observations regarding the need to prioritize that problem. She invited the State party to consult the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992) on violence against women, in that connection.

40. She would be interested to know how the State contributed to the work done by NGOs in that field, including through funding, and what it was doing to ensure that the impact of violence on women was not underestimated. She also wished to know whether the task force on eliminating violence against women was one of the task forces that had been reactivated and what role civil society played in its work. Although she welcomed the adoption of decrees on domestic violence and child abuse, and the creation of specialized units pertaining thereto, she was disturbed by the high rate of violence against children,

including those with disabilities, and was concerned by the low number of health workers trained to respond to the needs of child victims. What was being done to raise awareness among health workers of the integrated case management guidelines?

41. Lastly, she asked whether, with a view to improving the services provided to women, the Government planned to introduce capacity-building programmes for the judiciary that encompassed, inter alia, the use of restraining orders, the collection of forensic evidence and training on disability awareness.

42. **Ms. Narain** said that she would appreciate information on the time frame envisaged for implementing legislation to give effect to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and on measures to ensure adequate consultation. She encouraged the State party to adopt stand-alone legislation on trafficking and asked whether the Government planned to adopt a national action plan on human trafficking and to collect disaggregated data on the prevalence thereof. Details of measures being taken to identify and tackle the root causes of trafficking of women and girls, including measures to alleviate poverty and improve women's access to education and employment, would also be useful. In the light of reports of girls being sold by their families in the wake of Cyclone Winston, she also wished to stress the need to include a gender perspective in emergency relief programmes.

43. Although the Government had signed mutual assistance agreements to combat trafficking with other island States in the region, the fact that no such agreements existed with the countries of origin of trafficking victims could hinder the investigation of cases and impede the prosecution of human traffickers. Were there plans to remedy that situation and ensure effective cooperation? Moreover, did the Government envisage concluding agreements with destination countries to facilitate the identification, rehabilitation and repatriation of trafficked Fijian women? She would be interested to know what awareness-raising activities were being implemented and what training was provided to law enforcement officials and social workers to combat human trafficking.

44. As sex work was still criminalized, sex workers faced brutal treatment at the hands of the police and were thus sometimes forced to place their health and even their lives at risk. She wished to know whether the Government planned to decriminalize sex work and what support and rehabilitation services were available to prostitutes and trafficking victims.

45. **Mr. Koroivueta** (Fiji) said that, to date, the Government had lacked a structured approach to implementing awareness-raising and outreach programmes to combat violence against women and monitoring the related targets. It planned to call on external experts in order to address those shortcomings and, with the support of donors and partners, aimed to implement a comprehensive communication and education plan designed to change deep-rooted cultural attitudes and beliefs. The first step in that direction had involved efforts to engage with religious organizations, which played a significant role in Fijian society. Various projects, including the "Man Up" campaign and training programmes for civil servants, aimed to involve men in advocacy efforts. The Government was committed to tackling violence against women and had established a domestic violence helpline, managed by the Fiji Women's Crisis Centre, which operated around the clock, was staffed by experts and included referral mechanisms. With NGO support, the Government was also working to establish shelters for victims of violence. While progress had been made, much remained to be done, particularly in rural communities and among disadvantaged groups. To address the shortcomings, the Government planned to further strengthen its NGO engagement activities.

46. **Ms. Chand** (Fiji) said that, since the entry into force of the Crimes Decree 2009, a number of trafficking cases had been brought before the courts and the Office of the Director of Public Prosecutions had organized annual internal training programmes on human trafficking. One of the main challenges the judiciary faced in prosecuting trafficking cases was persuading victims to give evidence in court and to remain in Fiji for the duration of the trial; trafficking victims were often foreign nationals and were likely to have been exposed to physical or psychological trauma. Child victims were a vulnerable group requiring special support, partly because, in many cases, their parents had been complicit in their trafficking.

47. The police and the Office of the Director of Public Prosecutions worked together to support trafficking victims. To make it easier for witnesses to give evidence, an application for an expedited hearing could be made in order to obtain evidence from witnesses in advance of court proceedings. However, the agreement of both the defence and the prosecution teams was required in such cases. If victims lacked funds to remain in Fiji, accommodation could be provided, either in immigration detention centres or — in certain cases — local motels, and subsistence allowances could be requested. Victims had access to interpretation services, counselling and medical treatment while officers from the Office of the Director of Public Prosecutions regularly updated them on the progress of their case and took into consideration requests for the suppression or withdrawal of witnesses' names. Non-governmental organizations were also involved in providing support to victims of trafficking. In general, the courts understood the difficulties involved in prosecuting human traffickers and sought to expedite cases whenever possible. Nevertheless, there was certainly scope to improve the victim protection system and the Government looked forward to hearing the Committee's recommendations in that regard.

48. As the Government had only recently ratified the Organized Crime Convention, no national policy on human trafficking had yet been developed. Consultations with stakeholders would need to be held before the relevant legislation could be enacted, and the established parliamentary procedures would need to be followed.

49. As religion was deeply rooted in Fijian society, any measures to decriminalize sex work would involve extensive consultations and need to pass through the appropriate parliamentary process.

50. Pamphlets designed to raise awareness of human trafficking and provide information on how victims could seek redress were published by the Office of the Director of Public Prosecutions in a range of languages and distributed at all points of entry to Fiji, as well as though the criminal justice system.

51. **Ms. Korovusere** (Fiji) said that the Government was taking steps to raise awareness among women in remote areas of services available to victims of violence. Although there were no support and rehabilitation services currently in place for sex workers, the Government had begun to examine the issue and was aware of the need for a national mechanism to address the problem. The task force on eliminating violence against women was fully operational and was involved in a range of programmes. It would launch its new service delivery protocol in March 2018. Its membership included representatives of various government agencies, international and regional bodies and NGOs.

52. **Ms. Vuniwaqa** (Fiji) said that, as soon as the new protocol was implemented, front-line officers would receive training on gender-based violence as part of measures to improve case management. While the traditional reconciliation practice of *bulubulu* contributed to maintaining peaceful community relations in village settings, it had no role to play in the criminal justice system. Judicial officers received training to ensure that *bulubulu* was not taken into account when prosecuting cases or sentencing offenders. She also wished to draw attention to the fact that UN-Women had agreed to carry out an impact analysis of the Zero Tolerance Violence Free Community campaign.

53. **Ms. Manalo** said that the delegation had not provided any information on female genital mutilation — a harmful practice that was spreading throughout the Asia and Pacific region. It was essential to prevent the problem from taking root in Fiji.

54. Although NGOs undoubtedly played a crucial role in combating gender-based violence, it was vital for the Government to ensure that cooperation with religious organizations did not lead to conflict with its obligations under the Convention.

55. **Ms. Narain** asked whether the Government had considered allowing victims to give witness statements on camera or via video link. With regard to expedited hearings, it was counterproductive to require the consent of both the defence and the prosecution teams. In that regard, she encouraged the Government to implement provisions to allow the courts to decide on what would best serve the interests of justice.

56. **Ms. Rana** said that she welcomed the State party's honest acknowledgement of the need for a more structured approach to its outreach and awareness-raising activities. It was

necessary to develop an integrated, comprehensive plan, with a dedicated budget, and to build partnerships.

57. She would appreciate information about the prejudice and stigma faced by the lesbian, gay, bisexual, transgender and intersex community, as well as more details about the national standard operating procedure on gender-based violence, including, in particular, the current status of its implementation, and any multisectoral training provided to front-line service providers.

58. **Ms. Haidar**, noting that girls in particular faced exploitation including sexual abuse, forced labour and child sex tourism, said that the high prevalence of child labour was alarming. She would therefore like to hear about any government plans to study the scope and prevalence of the phenomenon with a view to reducing its incidence, including, given the lack of data either on Fijian children or children trafficked to Fiji from abroad, any specific plans to protect vulnerable girls.

59. **Mr. Koroivueta** (Fiji) said that the State party took note of the Committee's comments regarding engagement with faith-based organizations. No cases of female genital mutilation had been recorded in Fiji to date but the Government would likewise take the Committee's comments on board and would monitor the situation accordingly. Closer dialogue with the lesbian, gay, bisexual, transgender and intersex community was also envisaged for the future.

60. **Ms. Chand** (Fiji) said that section 295 of the Criminal Procedure Decree allowed prosecutors to apply to the judge or magistrate to permit vulnerable witnesses to give evidence by video recording, in a suitable location outside of the courtroom, or behind a partition or one-way glass whereby the person giving evidence could not see the accused but the court could see the person. In some cases, vulnerable persons were entitled to submit evidence in the presence of the judge, magistrate or legal counsels alone. The Child Protection Division of the Office of the Director of Public Prosecution filed the appropriate requests when children were involved in trials.

61. **Ms. Vuniwaqa** (Fiji) said that the State party had hitherto approached the issue of human trafficking from the perspective of a State of destination. However, her country was also a State of origin, given the large numbers of women who went to work abroad. Consultations had been held with representatives of the International Organization for Migration (IOM) on action to be taken to address trafficking in both directions.

62. **Ms. Haidar** said that a number of United Nations bodies and programmes, particularly the "Faith for Rights" initiative of the Office of the United Nations High Commissioner for Human Rights (OHCHR), would be able to lend assistance in the dialogue with representatives of faith groups concerning human rights.

63. **Ms. Manalo**, noting that the number of trafficking victims, particularly girl victims, increased during natural disasters, asked whether the Government of Fiji intended to incorporate a gender perspective in its disaster relief policies so as to protect girls from trafficking and sexual and physical violence. If it had already done so, she would appreciate the delegation's comments on the results achieved.

Articles 7 to 9

64. **Ms. Narain**, noting that no statutory quotas had been established for woman's representation in politics in spite of commendable recent developments, said that she would be grateful for an outline of the steps being taken to boost women's participation in the upcoming elections, including, in particular, details of training and empowerment programmes for candidates and efforts to overcome social and cultural barriers. She wished to know how the State party intended to encourage qualified women to become political candidates, as indicated in its opening statement, and whether there was an understanding among leaders of the need to field women candidates in the absence of a legal minimum. A summary of any initiative launched by the Electoral Commission in that connection would be useful.

65. Given that article 57 of the Constitution, according to which public officials who ran for political office were deemed to have vacated their posts, might deter women from

standing for election, she invited the delegation to indicate whether the Government would consider offering such officials unpaid leave to run for election. In some countries, women who served as councillors at the local level received training on how to stand as candidates, how to campaign and how to hold office. Had any consideration been given to setting minimum quotas to ensure adequate representation of women in local government, and when would the next local elections take place?

66. As the national gender policy for 2014 contained no targets, indicators or timelines for achieving gender equality, she would like to know what the State party was doing to ensure its timely implementation and what progress had been made to date. While she was aware that male advocates had an important role in programmes to eliminate discrimination, she was concerned about how such men were received by women and would welcome assurances that women were responsible for running the programmes.

67. Welcoming news of the re-establishment of the four task forces that had previously served to give women a voice in the formulation of policy and legislation, she asked when the task forces would be operational and whether the Government would enter into a memorandum of understanding with NGOs in order to guarantee their long-term continuity, that they met regularly, and that they functioned in a structured manner.

68. Information on the number of ambassadors who were women, the obstacles that women diplomats faced in attaining ambassadorial appointments and the number of women who occupied senior posts in international organizations would be helpful. It would also be useful to know how many women had applied for, and how many had been successful in, the candidate selection process recently run by the Ministry of Foreign Affairs and the Public Services Commission, and what measures, if any, had been used to attract female applicants.

69. **Ms. Nadaraia**, noting that birth registration was not free of charge and late registration carried a fine even though the right of every child to be registered at birth and to have Fijian citizenship was constitutionally protected, said that an outline of the measures in place to ensure that mothers living in rural areas and on outlying islands had easy access to the birth registration system would be appreciated. She would particularly like to know how the registration fee affected mothers with disabilities, single mothers, and mothers from minority groups. Noting also that, in its replies to the list of issues issued by the Committee on the Rights of the Child in 2014, the State party had indicated that any child found abandoned in Fiji was deemed to be a Fijian national unless there was evidence to the contrary (CRC/C/FJI/Q/2-4/Add.1, para. 10), she invited the delegation to comment on concerns that children subsequently proven not to have been born in Fiji might be at risk of becoming stateless.

70. **Ms. Korovusere** (Fiji) said that the Ministry of Women, Children and Poverty Alleviation, in conjunction with UN-Women and the Building Resources in Democracy and Elections (BRIDGE) programme, provided training to encourage women to assume leadership roles and to enhance their skills, including at the local level. Work had been carried out to introduce gender mainstreaming across all government agencies and relevant stakeholders would be required to report on implementation of the national gender policy at a forum to be held before the end of 2018.

71. The members of the re-established task forces would agree on the frequency of meetings and other matters once they were fully operational. The number of women in the diplomatic service had fallen to two after the retirement of one of the diplomats. The recruitment and selection process for the diplomatic service had been open to members of the civil service and the general public, and the Ministry of Women, Children and Poverty Alleviation would work with the Ministry of Foreign Affairs to devise programmes to foster women's representation in the diplomatic service.

72. **Ms. Chand** (Fiji) said that the Births, Deaths and Marriages Registry had opened regional offices around the country and registrars travelled to the outlying islands to register the births of children whose mothers could not reach the mainland. Mothers of infants over the age of 1-year old who registered their children's births during amnesty periods, which lasted between 6 and 8 weeks, were exempted from payment of a fine.

73. **Ms. Vuniwaqa** (Fiji) said that registering the births of children under 1 year of age was free of charge but that a fee of F$2.20 was charged for the issuance of a birth certificate.

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74. **Ms. Gbedemah** said, that despite commendable progress during the reporting period in the area of education, she was concerned by the lack of gender-disaggregated data on the education sector. That deficiency prevented in-depth analysis of the problems that women and girls faced. With traditional attitudes continuing to prevent girls from attending school, she wished to know how the Government sought to combat such obstacles and increase attendance. She noted that gender stereotypes were being eliminated from textbooks but wondered whether teachers were trained in how to prevent such stereotyping. Data on the numbers of female and male students at science and technology schools and institutes would be useful in view of the importance of women's participation in those areas; if female participation was low, might the State party consider introducing temporary special measures?

75. Since alternative sources indicated that pregnant teenagers often felt compelled to drop out of school due to stigma, she wished to know what steps the State party had taken to help reintegrate such students and prevent discrimination. No data had been provided on completion rates or the number of dropouts who returned to school. Data on the education of girls with disabilities was also lacking, but would likewise be helpful. She also wished to know what action the Government was taking to ensure that education on the outlying islands was up to standard.

76. She was concerned that syllabus vetting by conservative stakeholders might cause certain aspects of sex education to be omitted from school curricula and that, as a result, the State party might be prevented from fulfilling the Committee's previous recommendation concerning the need for universal age-appropriate sex education with a particular focus on the prevention of early pregnancy (CEDAW/C/FJI/CO/4, para. 29).

77. Since corporal punishment had not been completely eliminated, details on progress made towards amending the Juveniles Act and training teachers to avoid using such punishment would be welcome. She also invited the delegation to comment on the incidence of psychological violence, including cyberbullying, against lesbian, gay, bisexual, transgender or intersex students. Lastly, drawing the delegation's attention to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, she suggested that, when verifying the disaster resilience of schools, the State party should take the opportunity to include features that enhanced the education of girls, particularly in terms of sanitation.

78. **Mr. Bergby** asked what measures the Ministry for Women, Children and Poverty Alleviation, in conjunction with the Ministry of Employment, Productivity and Industrial Relations, envisaged using to boost the labour participation rate and decrease the unemployment rate of women. Good education results did not greatly improve the prospects of women in employment, and both the public and private sectors favoured hiring men. Women held the majority of low-paid jobs. He therefore wished to know what action the State party had taken to eliminate occupational segregation, including any temporary special measures.

79. Given that, in 2010 and 2011, women earned 29 per cent of all income despite accounting for 47 per cent of the labour market and that, according to his sources, they were paid 19 per cent less than men for similar work, he would appreciate an explanation as to the cause of such a broad wage gap and details of the action planned to reduce it. He would also like to know whether information from alternative sources suggesting that women in some sectors, including public services, received less than the minimum wage was accurate, and, if it was, what the Government was doing to address that situation. It would also be useful to know what the Government was doing to address the fact that the amount of unpaid work carried out by women increased after natural disasters, that women bore the largest burden, particularly in terms of finding resources and caring for families, and that their opportunities for paid work outside the home were therefore limited.

80. Since paternity leave was not provided for under any legislation, despite being encouraged by the State, he wondered whether the Government intended to amend employment regulations to close that lacuna. He also invited the delegation to comment on alternative reports that, although dismissal on grounds of pregnancy was unlawful, some employers ignored the prohibition in order to avoid maternity leave payments and most victims did not file complaints for fear of reprisals. He suggested that parental leave might be funded through collective contributions from all employers, in the same way that the provident fund collected contributions for retirement pensions.

81. He wondered what steps the Government might take to prevent employers from hiring workers for short periods in order to avoid having to make social security contributions on their behalf. He also wished to know whether the Government had considered allowing employees to work longer, if they chose to do so, in order to pre-empt adverse impacts on their pensions. Such impacts were disproportionately severe in the case of women, since, as they tended to earn less and take more leave, they generally received lower pensions.

82. Lastly, he asked what action was envisaged in response to a survey in which 20 per cent of the 1,000 women questioned had indicated that they had suffered sexual harassment, especially in view of the fact that the majority of sexual harassment cases went unreported and only 62 per cent of employers had established an internal policy, despite such policies being a legal requirement.

The meeting rose at 1 p.m.